



PLANNING BOARD STAFF REPORT

DATE: March 14, 2022
MEMO TO: Eastham Planning Board
FROM: Paul Lagg, Director of Community Development
RE: Proposed Amendments to Section 18 Flood Plain Zoning Bylaw

BACKGROUND

After years of devastation from flooding across the nation, Congress created the National Flood Insurance Act of 1968 in an attempt to offer flood disaster relief in the form of insurance. This insurance is available to residents of communities that voluntarily adopt and enforce floodplain management ordinances that meet at least minimum National Flood Insurance Program (NFIP) requirements.

The local floodplain overlay district (Section 18) is established as an overlay to all other districts and mirrors the boundary of the flood zone delineated by the FENA NFIP Flood Boundary maps. In Massachusetts, the floodplain overlay district bylaw is part of a federal requirement for communities that choose to participate in the NFIP. However, the state also administers regulations that take care of many floodplain management requirements and concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate local and state regulations and that variances to the conditions of the bylaw do not erroneously allow variances to state requirements.

All development in the floodplain overlay district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

- 780 CMR- Massachusetts Statewide Building Code
- 310 CMR- Department of Environmental Protection Regulations

For those NFIP requirements that are not found in the above state regulations, a community must adopt these requirements in their bylaws. The proposed amendments are intended to ensure compliance with the latest NFIP requirements. The amendments are a combination of “housekeeping” items such as updating technical references to state and federal regulations, new definitions as well as new sections outlining procedures for handling variances to local bylaws to ensure compliance with the NFIP program.

AMENDMENT SUMMARY

The proposed changes are summarized below:

- Entire Section 18: Renumbering/re-ordering of Section 18 for consistency with the rest of the bylaw (*delete Article Headings/Replace with Numerical System*).



PLANNING BOARD STAFF REPORT

- Section 18.3: Updates to Flood Zone designations 100 Year Flood Zone = 1% chance flood
- Section 18.4: Requirement for permits for all construction within flood plain district (*permits already required anyway under State Bldg Code*)
- Section 18.7: New language for providing base flood data on subdivisions 50 lots or 5 acres
- Section 18.8: Updated language on requirements to utilize best available flood elevation data for new construction in un-numbered A zones
- Section 18.9: New language requiring notification to local/State/federal agencies if construction alters a watercourse.
- Section 18.10 Updated language for recreational vehicles (campers/mobile homes) to require sufficient foundations/anchoring.
- Section 18.12 New language clarifying that Section 18 of the zoning bylaw supersedes any less restrictive or conflicting local regulations.
- Section 18.13 New section regarding disclaimer of liability in the event of property damage in flood zone.
- Section 18.14: New language requiring town to submit any new flood data to FEMA.
- Section 18.15: New language explaining process for adopting changes needed in the event of changes to State Building Codes floodplain standards.
- Section 18.16: New language explaining process/standards for considering changes to local flood plain bylaws.

REASONS FOR UPDATING BYLAW

- Communities participating in NFIP are required to adopt floodplain management regulations.
- Proposed amendments to Eastham Flood Plain Zoning Regulations required in order to maintain town's participation in the National Flood Insurance Program (NFIP).
- NFIP flood Insurance policies not available to property owners unless community is an NFIP member.
- Proposed amendments based on MA State Model Bylaw
- Model bylaw prepared to assist communities to understand *minimum requirements of NFIP to ensure local regulations contain all necessary language for compliance with the program
**Eastham participates in Community Rating System (CRS) Program which requires town to undertake activities that exceed minimum NFIP standards in exchange for discounted flood insurance rates for policy holders*